

**5.2(6)** State if the applicant, or its directors, officers, policymaking manager, or stockholders have owned an interest in any firm, partnership, association, or corporation previously licensed by the Iowa racing and gaming commission, or are now engaged in the business of racing outside of the state of Iowa. Explain.

**5.2(7)** Describe briefly and where practical state the approximate amount of any interest, direct or indirect, of any officer, director or stockholder of the applicant, or any associate of any of the foregoing persons in any transactions during the last three years, or in any proposed transactions, to which the applicant was or is to be a party.

**5.2(8)** State all contracts by the applicant entered into within the year preceding the date of application, and all executory contracts not otherwise described pursuant to these rules in which the consideration exceeds 1 percent of net income and describe fully, including the names of the parties to the contract, amount of consideration, and terms.

**5.2(9)** List all direct remuneration paid by the applicant and its subsidiaries, if any, during the applicant's last fiscal year to:

- a.* Each director and officer of the applicant whose aggregate direct remuneration exceeded \$10,000, naming each person;
- b.* All directors of the applicant as a group without naming them;
- c.* All officers of the applicant as a group without naming them;
- d.* All other persons whose aggregate remuneration exceeds \$10,000, naming each person. As used in this paragraph, direct remuneration shall include salary, retirement benefits, automobiles furnished, expenses reimbursed, and all other sums paid for the benefit of the officer, director, or other recipient.

**5.2(10)** State whether the applicant, its officers, directors, and stockholders have complied with and are in compliance with subrule 5.7(1). If not in compliance, explain in full.

**491—5.3(99D) Location and physical plant.** Every application to become a license holder shall contain the following information about location and physical plant:

**5.3(1)** State county and municipality of track.

**5.3(2)** Give actual legal description of the site, names and addresses of the titleholders to the real property, and names and addresses of all persons holding mortgages or other security interests in the property.

**5.3(3)** State whether or not applicant has complied with local zoning ordinances and has received approval of the appropriate local governmental body with respect to the proposed site.

**5.3(4)** State whether the racetrack site identified above has adequate and available sewer, water, electricity and gas.

**5.3(5)** State total estimated cost of construction of the racetrack facility proposed by this application; please distinguish between known fixed costs and projections, and, in doing so, separately identify:

- a.* Facility design expense;
- b.* Land acquisition costs;
- c.* Site preparation costs;
- d.* Facility construction cost;
- e.* Equipment acquisition cost;
- f.* Cost of interim financing;
- g.* Organization, administrative and legal expenses;
- h.* Projected permanent financing costs.

**5.3(6)** Set forth the construction schedule you propose for completion of your facility; include therein an estimated date of project completion.

**5.3(7)** State your source or sources of funds for the construction of the facility proposed by this application; please identify and document:

- a. Each source of equity contribution and the amount of such contribution;
- b. The present commitment, if any, you have received for each funding source;
- c. Each source of debt contribution, and the amount of such contribution; and
- d. The present commitment, if any, you have received for such financing.

**5.3(8)** State the number of miles from the nearest population center, and describe briefly the transportation facilities serving that population's center.

**5.3(9)** Indicate the exact dimensions of any track proposed.

**5.3(10)** Describe the grandstand size and type of construction. Submit at least one copy of architect's plans or renderings showing detail of any proposed construction.

**5.3(11)** Describe briefly the efforts made to ensure the security, safety, and comfort of patrons and license holders.

**5.3(12)** State the availability of fire protection and adequacy of law enforcement and police protection.

**5.3(13)** Indicate the parking lot capacity and describe the construction and type of parking facilities.

**5.3(14)** Indicate the number and type of construction of stables, kennels, and other areas, indicating capacities and fire prevention facilities for all areas.

**5.3(15)** Indicate the provisions for facilities for owners and other racing personnel.

**5.3(16)** Describe the arrangements for food and drink concessions, indicating the names and addresses of concessionaires and the terms of the concession contracts. Attach copy of contract. Indicate the number of Iowa people who will be employed.

**5.3(17)** Describe any concessions, clubs, or other special facilities for patrons.

**5.3(18)** Describe your detention barn facilities, providing a detailed plan of the detention barn and your estimate of the cost of such construction.

**5.3(19)** Describe your paddock facility, providing a detailed plan of the paddock facility and your estimate of the cost of such construction.

**5.3(20)** Horse races only—describe your jockeys' or drivers' quarters, giving changing facilities, a listing of equipment to be installed in each facility, and the location of the jockeys' quarters in relation to the paddock. Provide a detailed plan of the jockeys' or drivers' quarters and your estimate of the cost of such construction.

**5.3(21)** Describe your pari-mutuel tote facility, giving approximate location of bettors' windows and cash security areas; describe the nature and type of equipment to be installed; describe any proposed lease agreements and furnish a copy to the commission when available.

**491—5.4(99D) Racing operation.** Every application to become a license holder shall contain the following information about racing operations:

**5.4(1)** Indicate by actual dates the racing days requested by the applicant.

**5.4(2)** Indicate the kind of racing to be conducted.

**5.4(3)** Describe the proposed management of your facility and identify management personnel by function and, with respect to personnel, please furnish personal history résumés on forms provided by the commission. Attach a copy of any written contract or describe the terms of any oral agreement between applicant and the employee.

**5.4(4)** Provide financial projections reflecting the development period and the first five succeeding years. Show the number of racing days needed to break even and the optimum number of racing days the applicant seeks. Include any and all known feasibility studies which have been done on the type of racing in the particular locale where the applicant intends to conduct racing.

**491—5.5(99D) Economic, demographic, and other.** Every application to become a license holder shall contain the following economic, demographic, and miscellaneous information:

**5.5(1)** Describe briefly climatic conditions prevalent during the proposed racing season.

**5.5(2)** Indicate the population of the local area, and the growth trend. Indicate the potential market, including tourists, transients, and patrons from neighboring areas.

**5.5(3)** Indicate the principal sources of local income, showing the percentage from farming and ranching, industrial, professional and services, and military and other governmental sources.

**5.5(4)** Indicate the effect of competition with other racetracks in and out of the state and with other sports or recreational facilities in the area. State in detail what effect the competition from other racetracks will have on the availability of racing stock and track personnel.

**5.5(5)** Indicate what effect opposition from area residents will have on the economic outlook for the proposed track.

**491—5.6(99D) Commission approval of sale.** In the event the control, whether majority or less of the capital stock, of any corporation holding a license for racing from the commission is to be conveyed, no sale or conveyance shall take effect until approval is obtained from the Iowa racing and gaming commission. The application of the purchaser for the permission and approval of the racing and gaming commission shall contain, where applicable, the same information as is required to be furnished under rule 5.2(99D).

**491—5.7(99D) Duties and obligations.**

**5.7(1)** Duties and obligations of applicants and licensees. No person shall give anything of value with the intent to influence the action or decision of an individual, on any matter brought before that individual acting in the individual's official capacity, including but not limited to:

*a.* Any member of the commission.

*b.* Any officer, agent or employee of the state of Iowa or a political subdivision of the state or an office holder or candidate for public office.

*c.* Any spouse, lineal heir, or employee of any of the persons listed in paragraph "a" or "b" of this subrule.

**5.7(2)** Upon application to the commission, prior to entering into any such contract or doing any business, or making any such payment or contribution, the provision of subrule 5.7(1) may be waived by the commission, in its discretion, if the proposed contract, or the proposed business, or any proposed payment or contribution, is, under the circumstances, advantageous to the applicant in the conduct of its business of racing.

**5.7(3)** If any officer, director, or stockholder of the applicant, or any officer or director of any corporation which is a stockholder of the applicant, or any spouse or lineal heir of any such person, or any corporation in which an officer, director, or stockholder is a stockholder shall:

a. Contract with the applicant, except for bona fide contracts for salaries for directors and officers actually serving as such or for professional services actually rendered; or

b. Provide goods or services which are ultimately sold to applicant's patrons; then describe such contract, provision, or arrangement.

**5.7(4)** Evidence of character and reputation. The commission will not issue a license to an applicant if there is substantial evidence that the officers, directors, partners or shareholders of the applicant are not of good repute and moral character. Any evidence concerning an officer's, director's, partner's or shareholder's current or past conduct, dealings, habits, or associations which is otherwise relevant to that individual's character and reputation may be considered. The commission may consider all relevant facts surrounding alleged criminal or wrongful conduct resulting in the filing of criminal charges, a conviction, nolo contendere, no contest or Alford pleas entered by the applicant or operator in any court or administrative proceedings. A criminal conviction of an individual will be conclusive evidence that the individual committed the offense for which the individual was convicted, but this does not preclude the commission from considering evidence that the individual committed additional offenses. The commission will decide what weight and effect evidence about an officer, director, partner or shareholders should have in the determination of whether there is substantial evidence that the individual is not of good reputation and character. Officers, directors, partners and shareholders who have a significant interest in the management, ownership, operation, or success of an application may be held to a more stringent standard of conduct and reputation than others with a less significant interest or role in such matters.

This rule is intended to implement Iowa Code sections 99D.7 and 99D.9.

**491—5.8(99D) Commission approval of contracts.** Rescinded IAB 4/14/93, effective 3/22/93.

**491—5.9(99D) Availability of minutes.** Minutes of the meetings of stockholders and directors of the applicant shall be made available to the commissioners, but copies thereof need not be filed as a matter of record in the office of the commission.

**491—5.10(99D) Leased facilities.** If any applicant for a license will lease a racing facility from another entity, the lessor shall be required to provide the same information required by these rules to the commission including copies of all leases, agreements, and contracts of any nature between the lessor entity and the applicant.

**491—5.11(99D) Additional information.** The commission may require any additional information it deems necessary from the applicant for the purpose of ruling on the license application.

**491—5.12(99D) Fair racing applications.** Some of the foregoing requirements contained in this chapter may be waived or modified at the discretion of the commission on an application for a track license to conduct fair racing by a “society” as defined in Iowa Code section 174.1(2) which reads as follows:

174.1 Terms defined. For the purposes of this chapter:

1. “*Fair*” shall mean a bona fide exhibition of agricultural, dairy, and kindred products, live-stock, and farm implements.

2. “*Society*” shall mean a county or district fair or agricultural society incorporated under the laws of this state for the purpose of holding such fair, and which owns or leases at least ten acres of ground and owns buildings and improvements situated on said ground of a value of at least \$8,000, or any incorporated farm organization authorized to hold an agricultural fair which owns or leases buildings and grounds especially constructed for fair purposes of the value of \$150,000 in a county where no other agricultural fair receiving state aid is held.

**491—5.13(99D) Distribution of applications.** The original and six copies of all applications, notices and other matters required by these rules shall be filed with the Commission Office, 717 East Court, Suite B, Des Moines, Iowa 50309. One additional copy shall be submitted to each commissioner at the address of record on file in the office of the commission. All applications, notices, and other matters shall be verified, under oath, and all copies shall be manually signed in ink.

**491—5.14(99D) Annual audit.** Licensees shall submit to the commission audits as required by Iowa Code section 99D.20. The audit of financial transactions and condition of licensee’s operation conducted under Iowa Code section 99D.20 shall include an internal control letter, a balance sheet and a profit-and-loss statement pertaining to the licensee’s activities in the state, together with a list of all directors, officers, or members of the licensee or other persons, including concession and management companies, having any beneficial interest in the racing activities of each licensee. The report will also contain a section outlining the following information: number of performances; taxable attendance and the dollar amount remitted to the state; total mutuel handle and taxes paid to state, city and county; unclaimed winnings; purses paid indicating sources; total breakage and disbursements; and the disbursements of 1 percent of the triples. Additionally, the audit report shall include a statement of original financing with an indication of principal paid, interest paid, funds reserved for future payment of that debt and due dates for future payments.

**491—5.15(99D) Season approvals.** The season approvals must be received at the commission office no later than 45 days prior to the opening day of the first meeting of the calendar year.

**5.15(1) Minimum purse.**

*a.* For dog racing only, each licensee shall submit to the commission the purse schedule for the upcoming race meeting. This schedule shall include the percent of the pari-mutuel commission, or takeout, dedicated to purses.

*b.* For horse racing only, each licensee shall present to the commission for approval the proposed purse structure for the race meeting including the minimum purse to be offered. Any contract with an organization representing the horsemen shall also be presented for commission approval at this time.

**5.15(2) *Purse supplements for Iowa-breds.*** A proposed plan for the payment of purse supplements for the owners of Iowa-bred animals shall be submitted. The plan is subject to commission approval and funded by the breakage as provided in Iowa Code section 99D.12.

**5.15(3) *Approval of steward.*** There shall be three stewards for each racing meet, two appointed by the commission and one nominated by the association for approval by the commission. Names of association nominees for steward shall be submitted no later than 45 days before commencement of a race meeting and be accompanied by biographical data setting up the experience and qualifications of the nominees. The commission may consider for appointment or approval:

*a.* Persons who have engaged in pari-mutuel racing in a capacity and for a period satisfactory to the commission.

*b.* Persons who have satisfactorily passed an optical examination within one year prior to approval as a steward evidencing corrected 20/20 vision and ability to distinguish colors correctly.

*c.* Persons who have satisfied the commission that income, other than salary as a steward, is independent of and unrelated to patronage of or employment by any occupational licensee under the supervision of the steward, so as to avoid the appearance of any conflict of interest or suggestion of preferential treatment of an occupational licensee.

**5.15(4) *Racing officials and department heads.*** Each association shall submit to the commission at least 45 days prior to the opening day of a racing meet or simulcasting meet a complete list of department heads and association officials appointed for the meeting. Unless specifically prohibited by these rules, one person may serve in more than one official position if that person can do so without detriment to any of the other positions, if that person has the consent and approval of the commission, provided that neither the racing secretary nor the director of racing may serve as a steward except in temporary emergency situations. The list of officials and department heads shall be accompanied by biographical data specifically listing the experience and qualifications of the nominees.

**5.15(5) *Grading system.*** For greyhound licensees only, the association shall submit the proposed grading system and purse structure to be in effect at the race meeting 45 days prior to the opening of the meeting.

**5.15(6) *Schedule and wagering format.*** Each association shall submit for approval a complete racing schedule and wagering format containing at least the following information:

*a.* Date and post time of performances.

*b.* Number of races in each performance.

*c.* Type of wagers accepted in each race.

*d.* Simulcasting plan for sending and receiving.

*e.* Designation of separate seasons within the racing year.

**5.15(7) *Equipment.*** The following equipment must be approved by the commission. The make, model, age and a description shall be provided.

*a.* Totalizator.

*b.* Photo-finish camera/timer.

*c.* Starting gates.

**5.15(8) Security plan.** Security plans are subject to commission approval and shall be updated annually. Under a separate cover marked confidential, provide detailed security plan with the following information:

- a. Location of central security office.
- b. Describe security coverage of restricted areas including, but not limited to, money room, stable/kennel area, paddock, testing barn, mutuel lines and all entrances (during racing and during off hours). Describe the size and stationing of security staff.
- c. Describe arrangement made for transporting cash through public areas.
- d. Describe arrangements for liaison with local law enforcement agencies, expected response time and provisions for on-site police officers with arrest powers.
- e. Provide after hour telephone numbers for key personnel.
- f. Describe security procedures for transporting start-up cash to the track, transporting deposits to financial institutions and storage of cash at the track.
- g. Describe fencing and gates around the stable/kennel area.

**5.15(9) Certification.** A certification will be provided by both the president of the association and the general manager that all contracts and financial documents described in rule 491—4.28(99D,99F) have been submitted to the commission for approval.

**5.15(10) Other information.** The association shall submit all other information specifically requested in writing by the commission or administrator.

**5.15(11) Confidential license.** The commission may approve a license renewal request based upon specific performance or condition that the commission may deem appropriate and falls within the authority granted to the commission under Iowa Code chapter 99D.

**5.15(12) Changes in approval requests.** Once a license has been renewed, any changes to the items approved by the commission shall be requested in writing and subject to the written approval of the administrator.

#### **491—5.16(99D) Track licensee's and general manager's responsibilities.**

**5.16(1) Maintenance of grounds, facilities and uniform track.** Each licensee shall at all times maintain its grounds and facilities so as to be neat and clean, well-landscaped, painted and in good repair, handicap accessible, with special consideration for the comfort and safety of patrons, employees, and other persons whose business requires their attendance; with special consideration for the health and safety of the racing animals.

a. *Insect and rodent control.* The association shall provide systematic and effective insect and rodent control, including control of flies, mosquitoes, fleas and mice, to all areas of association premises at all times during a race meeting.

b. *Stalls.* In horse racing only, the association shall ensure that racing animals are stabled in individual box stalls; that the stables and immediate surrounding area are maintained in approved sanitary condition at all times; that satisfactory drainage is provided; and that manure and other refuse are kept in separate boxes or containers at locations distant from living quarters and promptly and properly removed.

c. *Paddocks and equipment.* In horse racing only, management shall be responsible that paddocks, starting gates and other equipment subjected to contact by different animals be kept in a clean condition and free of dangerous surfaces.

d. *Receiving barn and stalls.* Each association shall provide a conveniently located receiving barn or stalls for the use of arriving horses during the meeting. The barn shall have adequate stable room and facilities, hot and cold water, and stall bedding. The association shall employ attendants to operate and maintain in clean and healthy condition the receiving barn or stalls.

**5.16(2) Racetrack.**

a. Each horse racing licensee shall provide:

(1) The surface of a racetrack, including the cushion, subsurface and base, must be designed, constructed and maintained to provide for the safety of the jockeys and racing animals.

(2) Distances to be run shall be measured from the starting line at a distance three feet out from the inside rail.

(3) An association shall provide an adequate drainage system for the racetrack.

(4) An association shall provide adequate equipment and personnel to maintain the track surface in a safe training and racing condition. The association shall provide backup equipment for maintaining the track surface. An association that conducts races on a turf track shall:

1. Maintain an adequate stockpile of growing medium; and

2. Provide a system capable of adequately watering the entire turf course evenly.

(5) Rails.

1. Racetracks, including turf tracks, shall have inside and outside rails including gap rails, designed, constructed and maintained to provide for the safety of jockeys and horses. The design and construction of rails must be approved by the commission prior to the first race meeting at the track.

2. The top of the rail must be at least 38 inches but not more than 44 inches above the top of the cushion. The inside rail shall have no less than a 24-inch overhang with a continuous smooth cover.

3. All rails must be constructed of materials designed to withstand the impact of a horse running at a gallop.

b. Each greyhound racing licensee shall provide a race course which:

(1) Is constructed and elevated in a manner that is safe and humane for greyhounds.

(2) Has a surface, including the cushion subsurface and base, that is constructed of materials and to a depth that adequately provides for the safety of the greyhounds.

(3) Has a drainage system that is approved by the commission.

(4) Must be approved by the commission and be subject to periodic inspections by the commission.

**5.16(3) Horsemen's bookkeeper.**

a. General authority. The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described herein and maintain such other records and accounts and perform such other duties as the association and commission may prescribe.

b. Records.

(1) The records shall include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse owner, trainer or jockey participating at the race meeting who has funds due or on deposit in the horsemen's account.

(2) The records shall include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements and registrations of authorized agents.



(3) All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the association.

(4) All records of the horsemen's bookkeeper including records of accounts and moneys and funds kept on deposit are subject to inspection by the commission at any time.

(5) The association licensee is subject to disciplinary action by the commission for any violation of or noncompliance with the provisions of this rule.

c. Moneys and funds on account.

(1) All moneys and funds on account with the horsemen's bookkeeper shall be maintained:

1. Separate and apart from moneys and funds of the association;

2. In a trust account designated as "horsemen's trust account"; and

3. In an account insured by the Federal Deposit and Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(2) The horsemen's bookkeeper shall be bonded in accordance with commission stipulations.

(3) The amount of purse money earned is credited in the currency of the jurisdiction in which the race was run. There shall be an appeal for any exchange rate loss at the time of transfer of funds from another jurisdiction.

d. Payment of purses.

(1) The horsemen's bookkeeper shall receive, maintain and disburse the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, along with all applicable taxes and other moneys that properly come into their possession in accordance with the provisions of commission rules.

(2) The horsemen's bookkeeper may accept moneys due belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due.

(3) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no chemical substance has been administered, in violation of these rules, to the horse earning such purse money.

(4) The horsemen's bookkeeper shall disburse the purse of each race and all stakes, entrance money, jockey fees and purchase money in claiming races, along with all applicable taxes, upon request, within 48 hours of receipt of notification that all tests with respect to such races have cleared the drug testing laboratory (commission chemist) as reported by the stewards or the commission, except that minimum jockey mount fees may be disbursed prior to notification that the tests have cleared the testing laboratory.

(5) Absent a prior request, the horsemen's bookkeeper shall disburse moneys to the persons entitled to receive same within 15 days after the last race day of the race meeting, including purses for official races, provided that all tests with respect to such races have cleared the drug testing laboratory as reported by the stewards, and provided further that no protest or appeal has been filed with the stewards or the commission.

(6) In the event a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper shall disburse the purse within 48 hours of receipt of dismissal or a final nonappealable order disposing of such protest or appeal.

e. No portion of purse money other than jockey fees shall be deducted by the association for itself or for another, unless so requested in writing by the person to whom purse moneys are payable, or the person's duly authorized representative. Irrespective of whether requested, the horsemen's bookkeeper shall mail to each owner a duplicate of each record of a deposit, withdrawal, or transfer of funds affecting the owner's racing account at the close of each race meeting.

**5.16(4) Results boards, totalizators required.** Each licensee shall provide and maintain computerized totalizators and electronic boards showing odds, results, and other racing information located in plain view of patrons.

**5.16(5) Patrol films or videotapes.**

*a.* In greyhound racing, each licensee shall at all times during a race meeting provide and maintain personnel and equipment necessary to produce adequate motion pictures or videotapes and record with same each race from start to finish. Films and videotapes shall be retained and secured by the licensee until the first day of the following racing season.

*b.* In horse racing, each licensee shall provide:

(1) A videotaping system approved by the commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review, shall be provided in the stewards' stand. The location and construction of video towers must be approved by the commission.

(2) One camera, designated by the commission, shall videotape the prerace loading of all horses into the starting gate and shall continue to videotape them until the field is dispatched by the starter.

(3) One camera, designated by the commission, shall videotape the apparent winner of each race from the finish line until the horse has returned, the jockey has dismounted and the equipment has been removed from the horse.

(4) The stewards may, at their discretion, direct the video camera operators to videotape the activities of any horses or persons handling horses prior to, during or following a race.

(5) Races run on an oval track must be recorded by at least three video cameras. Races run on a straight course must be recorded by at least two video cameras.

(6) An association shall, upon request, provide to the commission, without cost, a copy of a videotape of a race.

(7) Videotapes recorded prior to, during and following each race shall be maintained by the association for not less than six months after the end of the race meeting, or such other period as may be requested by the stewards or the commission.

(8) An association shall provide a viewing room in which, on approval by the stewards, an owner, trainer, jockey or other interested individual may view a videotape recording of a race.

(9) Following any race in which there is an inquiry or objection, the association shall display to the public on designated monitors the videotaped replays of the incident in question which were utilized by the stewards in making their decision.

**5.16(6) Lighting.** Each association shall provide and maintain adequate illumination in the barn area, kennel area, parking area, and racetrack area.

**5.16(7) Facilities for commission.** Each association shall provide adequate furnished office space, including utilities, direct long-distance access, custodial services and necessary office equipment, for the exclusive use of the commission employees and officials. The licensee also shall make available to the commission appropriate parking places and seating accommodations for commission and staff.

**5.16(8) Sanitary facilities for patrons.** Each licensee shall, on every day of operation, provide adequate and sanitary toilets and washrooms, and furnish free drinking water for patrons and persons having business on the association's grounds.

**5.16(9) First-aid room.** Each licensee shall equip and maintain adequate first-aid facilities and have in attendance, during the hours of operation, either a physician, a registered nurse, a licensed practical nurse, a paramedic, or an emergency medical technician, all properly licensed according to requirements of the Iowa department of public health.

**5.16(10) Communications.**

*a.* In greyhound racing, each licensee shall install and maintain in good working service communications systems between the stewards, pari-mutuel department, starting gate/box, public address announcer, paddock, testing area, and necessary on-track officials.

*b.* In horse racing, an association shall provide and maintain in good working order a communication system between the:

- (1) Stewards' stand;
- (2) Racing office;
- (3) Tote room;
- (4) Jockeys' room;
- (5) Paddock;
- (6) Test barn;
- (7) Starting gate;
- (8) Weigh-in scale;
- (9) Video camera locations;
- (10) Clocker's stand;
- (11) Racing veterinarian;
- (12) Track announcer;
- (13) Location of the ambulances (equine and human); and
- (14) Other locations and persons designated by the commission.

*c.* An association shall provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

**5.16(11) Security.** Each licensee shall provide and maintain competent police and watchpersons' services night and day, in and about the grounds, to secure restricted areas such as the barn area, kennel area, the paddock, the testing area, the pari-mutuel area and elsewhere where needed. They shall furnish daily to the commission and to the division of criminal investigation office a report on any disturbances, drunkenness or disorderly conduct committed by any person on the grounds. The stable and kennel areas should be properly fenced as defined by the commission and admission permitted only in accord with rules of the commission. No person shall be admitted to the stable and kennel areas except:

*a. Licensees.* Licensees whose duties require them to be in the area and who are wearing a photographic identity badge issued by the commission.

*b. Temporary pass holders.* The association shall develop a policy for the issuance of temporary passes to be approved by the administrator for entrance to the stable or kennel areas. A temporary pass shall be available only to authorized guests of the association, commission or guests of the following: trainers, veterinarians, kennel owners and assistant trainers (kennel area only), horse owners and jockeys (stable area only), or other appropriately licensed individuals. The temporary pass is not an occupational license and does not permit the holder to work in any capacity or in any way confer the benefits of an occupational license to participate in racing.

**5.16(12) Ejection or exclusion.** A licensee may eject or exclude any persons, licensed or unlicensed, from the grounds or a part thereof, solely of its own volition and without any reason or excuse given, provided ejection or exclusion is not founded on race, creed, color, disability, or national origin.

The licensee shall eject or exclude from the grounds all persons believed to be engaged in a book-making activity or solicitation of bets or touting or engaging in or encouraging others to participate in any illegal wagering, and a report shall be submitted promptly to the commission, to the stewards, and to the division of criminal investigation.

Licensees shall eject or exclude from the grounds all persons who as a business or for any compensation shall, directly or indirectly, accept anything of value to be wagered or to be transmitted or delivered for wager to any pari-mutuel wagering enterprise or participate in any such transmission (Iowa Code section 725.7(1)).

Reports of all ejections or exclusions from association grounds for any reason shall be made promptly to the commission, stewards, and the division of criminal investigation and shall state the circumstances. The name of the person must be reported when ejected or excluded for more than one gaming day.

The commission may exclude any person ejected from a pari-mutuel facility in this state from any or all pari-mutuel facilities upon a finding that attendance of the person at any or all pari-mutuel facilities would be adverse to the public interest.

**5.16(13) Admissions.** In addition to the requirements of Iowa Code sections 99D.14 and 99D.19, tax-exempt admission credentials shall not be transferable and licensees shall exclude or eject from the grounds any person attempting to use tax-exempt admission credentials not issued to that person by the association. Tax-exempt passes shall be limited to guests of the commission and participating holders of current valid occupational licenses, except that tax-exempt passes may be issued by the licensee if prior approved by the administrator. Although a license is good for the calendar year, a licensee is only participating when actively engaged in the activity for which they are licensed. Greyhound licensees are deemed to be participating beginning with schooling races and ceasing on the last day or evening of live racing. Horse licensees are deemed to be participating beginning when the stable area opens until the last day or evening of live racing. Track employees are participating as long as they are performing the activity for which they are licensed.

All gates used for admission of patrons must have turnstiles of a type approved by the commission, equipped with meters. Turnstiles must be numbered consecutively or have other means of individual identification.

All licensees must give a ticket good for one admission to each person having paid an admission charge on a day when races are discontinued due to weather, malfunction of equipment, or other unforeseen circumstances which might prevent the patron from participating in a major portion of any racing program conducted by the licensee.

*a.* A supply of tickets shall be prepared and available for distribution prior to the opening of any race meeting. The holder of a ticket shall be admitted without further charge on any race day of the meeting.

*b.* The number of tickets distributed shall be reported to the commission immediately after distribution.

*c.* All tickets presented for admission must be filed with the commission daily.

**5.16(14) *Conditions for license.*** Every license to hold a race meeting in Iowa is granted upon the condition that the licensee shall accept, observe, and enforce the rules of the commission. Furthermore, it shall be the duty of each and every officer, director and every official and employee to observe and enforce the rules. Failure to comply with the rules of the commission may result in penalties the commission deems proper, including fine, suspension or revocation of the license.

**5.16(15) *Commission approval of plans.*** Any licensee contemplating any change of any kind pertaining to the racetrack itself, or the erection of any buildings, stands or other structures, or the remodeling of any of these which are to be used as a part of the facilities, must first submit plans to and receive the approval of the commission.

**5.16(16) *Photo finish camera.*** An association shall provide two electronic photo finish devices with mirror image to photograph the finish of each race and record the time of each racing animal in at least hundredths of a second. The location and operation of the photo finish devices must be approved by the commission before its first use in a race. The association shall promptly post a photograph, on a monitor, of each photo finish for win, place or show, or fourth place in superfecta races in an area accessible to the public. The association shall ensure that the photo finish devices are calibrated before the first day of each race meeting and at other times as required by the commission. On request by the commission, the association shall provide, without cost, a print of a photo finish to the commission. A photo finish of each race shall be maintained by the association for not less than six months after the end of the race meeting, or such other period as may be requested by the stewards or the administrator.

**5.16(17) *Starting gate (horse racing only).***

*a.* During racing hours, an association shall provide at least two operable padded starting gates which have been approved by the commission.

*b.* An association shall make at least one starting gate and qualified starting gate personnel available for schooling during designated training hours.

*c.* If a race is started at a place other than in a chute, the association shall provide and maintain in good operating condition backup equipment for moving the starting gate. The backup equipment must be immediately available to replace the primary moving equipment in the event of failure.

**5.16(18) *Distance markers (horse racing only).***

*a.* An association shall provide and maintain starting point markers and distance poles in a size and position that is clearly seen from the steward's stand.

*b.* The starting point markers and distance poles must be marked as follows:

1/4 poles	red and white horizontal stripes
1/8 poles	green and white horizontal stripes
1/16 poles	black and white horizontal stripes
220 yards	green and white
250 yards	blue
300 yards	yellow
330 yards	black and white
350 yards	red
400 yards	black
440 yards	red and white
550 yards	black and white horizontal stripes
660 yards	green and white horizontal stripes
770 yards	black and white horizontal stripes
870 yards	blue and white horizontal stripes

**5.16(19) Detention enclosure (horse racing only).** Each association shall maintain a detention enclosure for use by the commission in securing, from horses who have run in a race, samples of urine, saliva, blood or other bodily substances or tissues for chemical analysis. The enclosure shall include a wash rack, commission veterinarian office, and a walking ring. At least four stalls, a workroom for the sample collectors with hot and cold running water, and glass observation windows for viewing the horses from the office and workroom. An owner, trainer or designated representative, licensed by the commission, shall be with a horse at all times in the detention barn.

**5.16(20) Ambulance.** In horse racing only, an association shall maintain, on the grounds during every day that its track is open for racing or exercising, an ambulance for humans and an ambulance for horses, equipped according to prevailing standards and manned by medical doctors, paramedics or other personnel trained to operate them. When an ambulance is used for transfer of a horse or patient to medical facilities, a replacement ambulance must be furnished by the track to comply with this rule.

**5.16(21) Helmets and vests.** The association shall not allow any person to exercise any horse on association grounds unless that person is wearing a protective helmet and safety vest of a type approved by the commission.

**5.16(22) Fire protection.** The association shall develop and implement a program for fire prevention on association premises in accordance with applicable state fire codes. The association shall instruct employees working on association premises of procedures for fire prevention and evacuation.

In horse racing only, in accordance with applicable state fire codes, for the protection of persons and property from fire damage, the association shall prohibit the following:

- a. Smoking in horse stalls, feed and tack rooms, and in the alleyways,
- b. Sleeping in feed rooms or stalls,
- c. Open fires and oil- or gasoline-burning lanterns or lamps in the stable area,
- d. Leaving electrical appliances in use unattended or in unsafe proximity to walls, beds or furnishings,
- e. Keeping flammable materials, including cleaning fluids or solvents, in the stable area.

**5.16(23) Electric timing device.** Any electric timing device used by the association shall be approved by the commission.

**5.16(24) Official scale.** The association shall provide and maintain in good working order an official scale or other approved weighing device in the paddock. The association shall provide to the stewards certification of the accuracy of the scale at the beginning of each race meeting or more frequently if requested by the stewards.

**5.16(25) Track payroll to commission office.** The racing association shall provide commission office with a copy of all payroll upon request so it may be determined whether all employees have been licensed.

**5.16(26) Failure to comply.** Failure of the track licensee or general manager, or both, to comply with provisions of this rule shall be prima facie evidence that a violation of these rules has occurred.

These rules are intended to implement Iowa Code chapter 99D.

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